

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3590 OF 2004

Shri Ramesh D. Rane .. Petitioner

Versus

Zilla Parishad, Thane and Anr. .. Respondents

Mr.S.B.Deshmukh for Mr.A.V.Anturkar for the
petitioner

Mr.S.P.Thorat for respondent no.1

**CORAM: A.P.SHAH &
S.U.KAMDAR, JJ**

DATED: 10TH SEPTEMBER, 2004

ORAL JUDGMENT (PER S.U.KAMDAR, J):

1. The present petition is filed by a practicing advocate of this Court. He seeks direction against the respondents to release his professional fees with interest thereon @ 18%.

2. In a nutshell the facts of the present case is that the petitioner who is an Additional Government Pleader was engaged by the Respondent, Zilla

Parishad to attend to various matters in this court. The petitioner has consequently attended the matters and discharged his duties as a duly appointed advocate.

3. It is the case of the petitioner that in accordance with the agreed scale of professional fees the petitioner issued various advanced stamped receipts. However, the respondent has failed to release the payment. There is also considerable correspondence between the petitioner and respondent, Zilla Parishad. Even the Government of Maharashtra issued a direction to the respondents to release the payment in favour of the petitioner whose professional fees has been outstanding. In view of the total inaction on the part of the respondents herein the petitioner has moved this Hon'ble Court for various necessary reliefs.

4. By letter dated 13th November 2001, the State Government has directed the Zilla Parishad, Thane to make necessary provision for payment of fees for various lawyers including the petitioner herein for

attending their matters before various court. However, in respect of the aforesaid communication, the respondents have not bothered to make the necessary payments to the petitioner herein.

5. We have heard the learned counsel appearing for the parties. The learned counsel for the respondents has fairly conceded that there is no dispute whatsoever pertaining to the fees payable to the petitioner herein. However, he pointed out that before releasing the payment to the petitioner towards his professional fees, the approval is required to be obtained from the Director, Zilla Parishad, Thane which is awaited. We have considered the submission of the learned counsel for the respondents and in our view there has been an inordinate delay in settling the claims of the petitioner towards the professional fees for discharge of the duty as an Advocate for respondents herein.

6. In view of the fact there is no dispute about the quantum of fees payable by the respondents to

the petitioner herein we are inclined to pass necessary direction to the respondents to make payment of the aforesaid amount. Accordingly, we direct the respondents to settle and pay the bills of the petitioner herein within a period of 6 weeks from today. In an event of failure on the part of the respondent to make payment as directed herein above, the respondents shall be liable to make payment with interest @ 18% from the expiry of said period of 6 weeks. Petition is accordingly allowed with aforesaid direction. However, there shall be no order as to costs.